

BEFORE THE BOARD OF LABOR APPEALS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment) NOTICE OF AMENDMENT
of ARM 24.7.201, 24.7.301, 24.7.303,) AND ADOPTION
24.7.304, 24.7.305, 24.7.306, 24.7.312,)
24.7.313, 24.7.315, and the adoption of)
NEW RULE I related to Board)
of Labor Appeals procedural rules)

TO: All Concerned Persons

1. On June 11, 2007, the Board of Labor Appeals (board) published MAR Notice No. 24-7-221 regarding the proposed amendment and adoption of the above-stated rules at page 813 of the 2007 Montana Administrative Register, issue no. 12.

2. The board has amended ARM 24.7.201, 24.7.301, 24.7.303, 24.7.304, 24.7.305, 24.7.312, 24.7.313, and 24.7.315 as proposed.

3. The board has amended ARM 24.7.306 with the following changes, new matter underlined:

24.7.306 DETERMINATION OF APPEALS (1) remains as proposed.

(2) The board will review the hearing officer's decision for errors of law or fact. In making its determination, the board will consider the record transmitted on appeal, written or oral arguments, as well as any new evidence admitted pursuant to ARM 24.7.312.

(3) remains as proposed.

AUTH: 2-4-201, MCA

IMP: 2-4-201, 39-51-310, 39-51-1109, 39-51-2404, 39-51-2407, MCA

4. The board has adopted NEW RULE I [24.7.316] as proposed.

5. The board received one comment, which it has thoroughly considered. A summary of the comment appears below with the board's response:

COMMENT: The Department of Labor and Industry's Unemployment Insurance Division noted concern that the procedure set forth in ARM 24.7.306 did not clarify the Board of Labor Appeals' obligation to review the record.

RESPONSE: The Board of Labor Appeals (board) has changed the language in ARM 24.7.306 to clarify the board's obligation to review the record that is transmitted.

/s/ MARK CADWALLADER

Mark Cadwallader
Alternate Rule Reviewer

/s/ ELIZABETH BEST

Elizabeth Best, Chair
BOARD OF LABOR APPEALS

Certified to the Secretary of State August 27, 2007